



WEB COPY

CMA No. 2033 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2033 of 2025

1. SHANMUGAM

S/o.Karuppan, (Rep by his next
friend/Son Vignesh, S/o.Shanmugam)
No.45-B Perumal Kovil Street,
Konavaikalpalayam, Velalore Road,
Coimbatore South, Podanur,
Coimbatore-641 023

Appellant(s)

Vs

1. ARUCHAMY

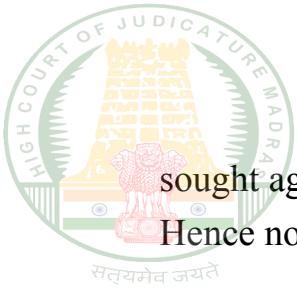
S/o. Rangan, No.3/37, Harijana Colony,
Pachpalayam, Coimbatore South,
Coimbatore-641 105

2.Palanisamy

S/o. Marappa GR, No.107-A,Senguptha
Street, Ramnagar, Coimbatore-641 009

3.United India Insurance Company
Limited

Regional Office, No.17B, Dr.Nanjappa
Road, Coimbatore-641 018 (No relief



sought against the respondents 1 and 2.
Hence notice may be dispensed with)

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Respondent(s)

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PRAYER

To allow the above Civil Miscellaneous Appeal and enhance the award in judgment and decree dated 28.02.2024 made in M.C.O.P.No.331 of 2021 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Coimbatore and allow the above Civil Miscellaneous Appeal and thus render justice.

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For Appellant(s): Mr.C.Prabakaran

For Respondent(s): Mr.D.Venkateshwaran For R3

ORDER

This Civil Miscellaneous appeal has been filed to enhance the award in judgment and decree dated 28.02.2024 made in M.C.O.P.No.331 of 2021 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Coimbatore.

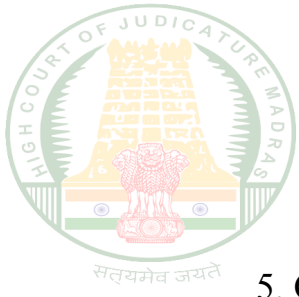
2. On 21.01.2021 at about 06.30 a.m on the coimbatore to Pollachi Main Road Rathinam College Opposite Seven Hills Bakery, when the claimant tried to cross the road in cycle, the tipper lorry bearing registration No. TN 66 E 2052 driven by its driver in a rash and negligent manner dashed against the appellant, due to which the appellant sustained injuries. Thereafter, the claimant filed the



petition before tribunal claiming compensation. The third respondent contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant/claimant submits that due to the said accident the claimant sustained head injuries and he is not able to speak and express his opinion to meet out his basic needs. But without considering the above, the medical board assessed 40 % disability and also it is fit case to adopt multiplier but the tribunal adopted per percentage method. The claimant was worked as security, now the claimant is suffered with mental disability and he has not recovered yet. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that as per discharge summary the claimant has sustained Head injury-acute SDH, Hemorrhagic contusion and he was taken in-patient treatment for 45 days and sustained other multiple injuries. Therefore, the tribunal rightly assessed 40% disability and there is no functional disability.



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5. Considering the gravity of injuries sustained by the claimant as on date the claimant is not recovered yet and he is not able to do his routine work. Hence, this Court is inclined to adopt multiplier method and take 20 % as disability. Accordingly, the claimant is entitled to Rs.3,72,600/- ($15,000 + 2250 \times 12 \times 9 \times 20 / 100$) under the head of disability. Further, this court is inclined to reduce the amount awarded under the head of pain and sufferings from Rs.1,00,000/- to Rs.50,000/-. Further, this Court is inclined to enhance the amount awarded under the head of loss of income from Rs.10,000/- to Rs.20,000/- and also inclined to enhance amount awarded under the head of nutrition from Rs.15,000/- to Rs.20,000/-. Further, this Court is inclined to enhance the amount awarded under the head of transportation from Rs. 10,000/- to Rs.15,000/- and also the claimant has taken in-patient treatment for 45 days. Hence, this Court is inclined to enhance the amount awarded under the head of attender charges to Rs.25,000/-. Except above modification the award passed by tribunal in other heads remain unchanged.



6. In view of the discussions made earlier, the award passed by the

Tribunal is modified as follows:-

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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.1,00,000/-	Rs.50,000/-
2.	Loss of Income	Rs.60,000/-	Rs.60,000/-
3.	Medical Expenses	Rs.10,04,670/-	Rs.10,04,670/-
4.	Transportation expenses	Rs. 10,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs.15,000/-	Rs. 20,000/-
6.	Attender charges	Rs. 15,000/-	Rs. 25,000/-
7.	Damages to cloths and article	Rs. 5,000/-	Rs. 5,000/-
8.	Lost of amenities	Rs. 50,000/-	Rs. 50,000/-
9.	For permanent disability	Rs.2,00,000/-	Rs. 3,72,600/-
10	Total	Rs. 14,59,670/-	Rs. 16,02,270/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 16,02,270/-**. The 3rd **respondent** is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of M.C.O.P.No.331 of 2021 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Coimbatore, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the **appellant/claimant** is



permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any excessive amount

has already been deposited before the tribunal.

8. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

31-07-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal, Special Sub Court, Coimbatore.
2. The Section officer, V. R Section, High Court, Madras



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T.V.THAMILSELVI J.

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